

REMARKS

Favorable reconsideration and allowance of this application are requested.

1. Discussion of Amendments

By way of the amendment instructions, the prior pending claims have been amended for the purpose of clarity and to make them more consistent with US practices (e.g., by removal of the reference numerals and the "characterized in that" phraseology).

Substantively, independent claim 1 has been amended so as to recite that the electric pipette includes at least two rotatable parts selected from the hook part, the push-button part and the display part which are rotatable about the vertical axis of the electric pipette body. In addition, the angles φ_1 , φ_2 and φ_3 about which the hook part, the push-button part and the display part, respectively, may rotate have been included in the amended version of claim 1 to provide antecedent basis for several of the dependent claims. Support for such amendments can be found in the originally filed specification at page 4, lines 10-19.

Claims 6-8 have been amended so as to clarify that the display part is also capable of rotation about a horizontal axis of the pipette body so that the display part can be inclined at an angle α relative to the vertical axis of the electric pipette body. Support for such an amendment can be found in the originally filed specification at page 4, lines 29-33 and FIGS. 3c and 5.

Claims 9-16 are new. In this regard, claim 9 requires that *each* of the hook part, the push-button part and the display part is rotatable through angles φ_1 , φ_2 and φ_3 , respectively, relative to the electric pipette body. Claims 10-16 are ultimately dependent from new claim 9 and based on prior claims 2-8, respectively.

Therefore, following entry of this amendment, claims 1-16 will be pending herein for which favourable action on the merits is solicited.

2. Response to Art-Based Rejections

Claim 1 attracted a rejection under 35 USC §102(b) as allegedly anticipated by Scordato et al (US 2002/0012613). Applicants suggest that Scordato et al is inappropriate as an anticipatory reference against the claims now pending herein.

Specifically, applicants note that, while the pipette of Scordato et al is somewhat similar to the pipette of the present invention, the former has only a single component part that is rotatable relative to the pipette body's vertical axis, namely the hook part 16 which may be rotatably varied relative to the nozzle portion 14 between 150° to 210° (paragraph [0028]). In contrast, according to the present invention, an electric pipette is provided which includes at least two rotatable parts selected from the hook part, the push-button part and the display part which are rotatable about the vertical axis of the electric pipette body.

Accordingly, Scordato et al cannot anticipate the presently claimed invention. Withdrawal of the rejection advanced under 35 USC §102(b) is therefore in order.

Nor does Scordato et al alone or in combination with Oshikubo (USP 4,909,991) render "obvious" the presently claimed invention under 35 USC §103(a). In this regard, the comments above with regard to Scordato et al are equally germane to the *unobviousness* of the presently claimed invention. Specifically, Scordato et al does not propose a display part. And the push-button part (i.e., the plunger 18) of Scordato et al operates coaxially with the vertical axis of the pipette body. As such, an ordinarily skilled person would not have considered to have provided either or both such parts as rotatable structures relative to the vertical axis of the pipette body.

The applied Oshikubo reference fails to cure the deficiencies of Scordato et al noted above. While it is true that Oshikubo reference discloses some sort of "display mechanism", it is equally true that the display mechanism of Oshikubo cannot be rotatably *inclined* relative to the vertical axis of the pipette body. Instead the viewing angle of the "display mechanism" relative to a user according to Oshikubo remains fixed. Therefore, even if an ordinarily skilled person were to combine Scordato et al with Oshikubo, the invention defined by claims 6-8 would not result.

Withdrawal of all rejections advanced under 35 USC §103(a) is therefore in order.

3. Fee Authorization

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /Bryan H. Davidson/
Bryan H. Davidson
Reg. No. 30,251

BHD:dlb
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100